

## United States Senate

WASHINGTON, DC 20510-2202

August 28, 2012

Ms. Melanie Haveman  
U.S. Environmental Protection Agency  
(WW-16J)  
77 W. Jackson Blvd.  
Chicago, IL 60604-3590

Dear Ms. Haveman:

As the U.S. Environmental Protection Agency (EPA) reviews the Marquette County Road Commission's application for a wetlands fill permit under Section 404 of the Clean Water Act to construct County Road 595 (CR 595), I would appreciate the EPA taking into consideration the following:

- The area where the road is proposed has a long history of uses, including logging, excavating and motorized recreation.
- Most of the corridor where CR 595 is proposed is already traversed by vehicles.
- Construction of CR 595 would enable truck traffic to avoid the busy area in and around the City of Marquette, providing important safety benefits. In addition, with the shorter route, trucks would use less carbon-producing fuel. Further, the route would provide access in case of flooding, which has occurred in this area in the past and isolated residents.
- While the proposed road project would affect about 26 acres of wetlands, the Road Commission is proposing to preserve about 650 acres of nearby wetlands, which means that 25 acres of wetlands would be preserved for every one acre of wetlands that are impacted by this project. In addition, the Road Commission is proposing to preserve 900 acres of uplands.

EPA, as well as the DEQ, is reviewing several aspects of the permit application, including whether alternative routes meeting the project objective would have less of an impact on wetlands, how endangered and threatened species could be impacted by the road, and the assessment of indirect and long-term impacts on habitats and wetland quality. The protection of wetlands is vital to the health of our water resources, including our precious Great Lakes. It is in all of our interests to protect wetlands, which filter contaminants, prevent flooding and erosion, and provide habitat for a variety of birds, animals, and plants. However, such protection provided for in the Clean Water Act must also consider whether there are practicable alternatives. A 1990 Memorandum of Agreement between EPA and the Army Corps concerning wetland permitting states that "no discharge [to a wetland] shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact to the

aquatic ecosystem.” In this case, it appears there may be no practicable alternative to CR 595 other than the route through the City of Marquette because funding for an alternative route is not available.

Thank you for your consideration. I hope you will continue to work with the Marquette County Road Commission and the Michigan Department of Environmental Quality as you review this permit application in a timely manner.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl Levin". The signature is fluid and cursive, with a prominent dot at the end.

Carl Levin